

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BISMARK LITHGOW,

Petitioner,

- against -

WILLIAM F. KEYSER

Respondent.  
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20-CV-3655 (VEC) (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

On July 20, 2020, the court exercised its discretion to grant Petitioner's request to stay proceedings so that he could exhaust state court remedies regarding his COVID-19 claims. (Dkt. 23.) On April 30, 2021, the Court lifted the stay following a status update letter from Respondent notifying the Court that Petitioner had filed a state court habeas petition, that the petition was denied, and that Petitioner could no longer exhaust his COVID-19 claim through the state court habeas petition.

The Court set June 15, 2021 as the deadline for Petitioner to file any opposition to the pending motion to dismiss. (Dkts. 9-11.) No opposition has been filed. The Court will provide a final opportunity for Petitioner to file an opposition. If Petitioner would like to file any opposition to the motion to dismiss, he shall do so no later than **July 30, 2021**. Respondent may file any reply no later than **August 30, 2021**. If Plaintiff does not file any opposition, by **July 30, 2021**, the Court will deem the motion fully submitted and proceed to resolve the petition based on the record at that time.

SO ORDERED.



6/29/2021

ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: June 29, 2021  
New York, New York

Copies transmitted this date to all counsel of record. The Clerk's Office is respectfully directed to mail a copy of this Order to Petitioner pro se and note service on the docket:

Bismark Lithow  
DIN No. 15A1541  
Sullivan Correctional Facility  
P.O. Box 116  
Fallsburg, NY 12733